

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**Brookings School District
Accountability Review - Focus Monitoring Report 2007-2008**

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Dates of On Site Visit: January 22 & 23, 2008

Date of Report: February 19, 2008

3 month update due: May 19, 2008

6 month update due: August 19, 2008

9 month update due: November 19, 2008

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference- ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

1. FAPE in the LRE – Performance Indicator

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grad level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Annual Performance Report Activity – Conduct an accommodation study to verify IEP teams are providing instructional accommodations if they are also providing those accommodation on statewide assessments.

Follow-up date: January 22- 23, 2008

Finding:

Through a review of 17 student files, data gathered by the review team indicated the following:

1. The accommodations/modifications were appropriate for the skill areas affected by the disability in 13 of the 17 files reviewed.
2. The accommodations/modification provided for State/District wide assessments were provided in the student's instructional program in 13 of the 17 files reviewed.
3. The accommodations identified in the IEPs for State/District wide assessment were used during the assessment administration in nine of 17 files reviewed.
4. Two out of two files reviewed for students taking the alternate assessment meet the criteria.

Upon reviewing the files, the districts documentation for accommodation contained errors. Four files contained accommodations that were not appropriate for the student's disability. Accommodations for State/District wide assessments in four files were not appropriately documented. The districts accommodations documented on the Dakota Step were not congruent to accommodations documented on the IEP in eight files reviewed.

Corrective Action:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
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<p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments. 5. Analyze data collected to determine if procedures corrected discrepancy. Repeat steps 1 through 5 if discrepancies continue. <p>Progress Report data to be submitted to SEP:</p> <ol style="list-style-type: none"> 1. Written description of the districts review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the name of all participants/position titles, who attended the training. 4. Following the 2008 assessment window, the district will review 3 student IEPs from each grade level taking the Dakota Step. The district will use the attached chart to document accommodation information for each of the student files reviewed. A summary of the data results will be submitted to SEP. 	<p>Activity # 1&2 Within 1 week of receiving report</p> <p>Activity #3 By February 15, 2008</p> <p>Activity #4 By 6 month progress report due date.</p> <p>Activity #5 By 6 month progress report due date.</p>	<p>District Administration & District Staff</p>	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

2. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:17:03 Annual report of children served

The monitoring team was unable to validate correct placement on the child count for two students.

Follow-up: January 22-23, 2008

Finding: Meets Requirement

Through file reviews the team determined all students on the child count were eligible students

Corrective Action: None

3. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

24:05:22:03. Certified child.

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an Individual Education Program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

The monitoring team identified the following.

Eight students were reported in the wrong category, or did not qualify and were on child count.

Follow-up: January 22-23, 2008

Finding:

Student 1 is reported as a student with Autism. The student does not meet the criteria for Autism. On the Gilliam Aspergers Disorder Scale the student was rated as highly probable.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The districts Autism team must pursue additional training on the proper evaluation, criteria and diagnosis of autism. The evaluation must include, at a minimum, a special education teacher, occupational therapist, school psychologist and speech therapist. Data Collection: The district will submit a copy of the training agenda, date of training, presenter(s) presenter's qualifications and a list of persons attending.	May 08	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
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Activity/Procedure: The IEP team for the student identified above will meet, review, evaluate and/or amend the IEPs as necessary. Data Collection: The district will submit a written summary of the actions taken for each of the four students listed in the final report. Documentation submitted must include evaluation reports/scores, and other relevant information for all eligibility determination.	May 08	District	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

4. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:25:04.02 Determination of needed evaluation data. As part of an initial evaluation, if appropriate, the individual education program team required by § 24:05:27:01.01 and other individuals with knowledge and skills necessary to interpret evaluation data, determine whether the child has a disability, and determine whether the child needs special education and related services, as appropriate, shall:

(1) Review existing evaluation data on the child, including:

(a) Evaluations and information provided by the parents of the child;

Through file reviews the Monitoring team identified that the Brookings School District has not consistently documented parental input into the evaluation planning process.

Follow-up: January 22-23, 2008

Finding:

Through a review of student records the team identified 8 students that did not have parent input into the evaluation process.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All special education staff will receive state training regarding the process for gaining/documenting parent input into the evaluation process. Data Collection: The district will submit a copy of the training agenda, date of training, presenter(s) and a list of persons attending.	April, 2008	State	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will develop and implement procedures to ensure that all parents have an opportunity to have input into the evaluation process. Data Collection: The district will submit a copy of the procedure it will implement to ensure parents are provided an opportunity for input into the evaluation process. Each special education teacher will submit parent input documentation for one student who has received an initial evaluation or reevaluation following the date of the district training.	March 08 and ongoing	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

5. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:25:11 Observation for specific learning disabilities. At least one team member other than the child's regular teacher must observe the child's academic performance in the regular classroom setting.

The monitoring team validates the steering committees conclusion that observations are not being completed for students identified as a student with a special learning disability.

ARSD 24:05:25:11 Observation for specific learning disabilities. At least one team member other than the child's regular teacher must observe the child's academic performance in the regular classroom setting.

The monitoring team validates the steering committees conclusion that observations are not being completed for students identified as a student with a special learning disability.

Follow-up: January 22-23, 2008

Finding:

Through a review of student records, a student observation was not documented for three students identified as having a specific learning disability.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review the eligibility criteria for specific learning disability which requires an observation be conducted by someone other than the classroom teacher.	April, 08	District	

Data Collection: The district will submit a copy of the training agenda, date of training, presenter(s) and a list of persons attending.			
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will implement procedures to ensure all students evaluated for a specific learning disability are observed in their area of concern by someone other than their classroom teacher. Data Collection: The district will submit a copy of the procedure it will implement to ensure classroom observations are conducted and documented. Each special education teacher will submit observation documentation for one student who has received an initial evaluation or reevaluation due to a suspected learning disability following the date of the district training.	March 08 and ongoing	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

6. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:30:04 Prior notice and parent consent

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

The monitoring team found that transition evaluations were being completed, but there was no parent permission to administer the assessments. Evaluations are being administered without

consent from parents, and evaluations listed on the prior notice are not being given. Written reports are not being generated on the transition assessment and given to the parents. Functional evaluations were not found in the evaluation process.

Follow-up: January 22-23, 2008

Finding:

Through a review of student records the team noted transition evaluations are being completed with parent permission. Evaluations were administered with consent and were listed on the prior notice. Reports are generated and given to parents.

Documentation of functional evaluation was not found for six students who had received an initial/reevaluation. Previously administered ability evaluations, used for determining continued eligibility, were not documented on the prior notice resulting in a lack of informed parent consent. The area of attention was to be assessed for one student, but there was no evidence this area was evaluated.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All special education staff will receive state training regarding areas of evaluation, IEP development and transition. Data Collection: The district will submit a copy of the training agenda, date of training, presenter(s) and a list of persons attending.	April 08	State	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review the files of all students initially evaluated and reevaluated during the three month reporting period(s) to ensure: <ol style="list-style-type: none"> 1. All evaluations listed on the prior notice are administered. 2. Evaluations are not administered without parent consent. 3. Functional assessment is conducted/reported in the areas of identified disability. 4. Functional assessment specifies skill necessary to develop the PLAAFPS (strengths and needs in the areas of the identified disability) resulting in an IEP developed to provide educational benefit. Data Collection: Each special education teacher will submit a copy of a: prior notice/ consent, copies of evaluation reports and IEP for one student who has received an initial	May and ongoing	District	

evaluation or re-evaluation following since the date of the onsite review.			
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

7. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:27:01.01 IEP team. Each school district shall ensure that the IEP team for each student with disabilities includes the following members:

(2) At least one regular education teacher of the student if the student is, or may be, participating in the regular education environment;

Through file reviews and interviews with staff, the monitoring team determined regular education teachers are rarely present at IEP meeting at the high school, and they have not been excused using proper procedures.

Follow-up: January 22-23, 2008

Finding: Meets Requirements

Through a review of student records the team noted appropriate team members were present at the IEP meetings.

Corrective Action: None

8. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general curriculum.
- (7) A statement of:
 - (a) How the student's progress toward the annual goals described in this section will be measured; and
 - (b) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled student's progress of:
 - (i) Their student's progress toward the annual goals; and
 - (ii) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

Through interview and a review of student records the monitoring team was informed progress towards annual goals was not reported in all files at the high school level.

Follow-up: January 22-23, 2008

Finding: Meets Requirements

Through a review of records the teams found informed progress towards annual goals were reported in all files.

Corrective Action: None

9. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

Present level of academic achievement and functional performance and annual goals

A student's IEP must contain present levels of academic achievement and functional performance based upon the skill areas affected by the student's identified disability. The present levels of academic achievement and functional performance are based upon the functional assessment information gathered during the comprehensive evaluation process.

The monitoring team found student files lacked the required content in the present levels of academic achievement and functional performance (PLAAFPs) (i.e. specific skill area(s) affected by the student's disability, to include strengths and needs, along with how the disability affects the student's involvement in the general curriculum and parent input). File reviews indicated functional assessments are not being completed to acquire the skill-based information to develop present levels of performance for students eligible for special education services. Annual goals did not consistently specify skills the student could reasonably accomplish within a 12 month period.

Follow-up: January 22-23, 2008

Finding:

Through a review of student records the team identified students present levels of academic achievement and functional performance (PLAAFPs) do not consistently include skill specific information to develop an IEP. Grades are listed, scores from the DRA reading levels, but no specific skills. Annual goals do not consistently specify skills the student can accomplish within a 12 month period. Goals did not consistently include criteria, condition and performance.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will review all IEPs developed to ensure present levels of performance include skill specific strengths/needs and goals address target area of need. Data Collection: Each special education teacher will submit a copy of a prior notice/consent, evaluation reports and IEP for one student who has received an initial evaluation or reevaluation following the date of the district training. (Same documentation as requested in # 6 above)	March 08 and ongoing	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

10. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

ARSD 24:05:27:01.02 Development, review and revision of the IEP- Consideration of Special Factors

In developing, reviewing, and revising each student's IEP, the team shall consider the strengths of the students and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the students as appropriate, and the results of the student's performance on any general state or district-wide assessment program. The individualized education program team also shall: In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, and supports, to address the behavior.

In several student files reviewed, behavioral assessment and/or present levels of academic achievement and functional performance contained information regarding the impact of student behavior on educational performance. However, in developing the IEPs for these students, the team checked the behavior does not impede learning and did not address strategies, including positive behavioral interventions and supports, to address the behaviors.

Follow-up: January 22-23, 2008

Finding:

Through a review of student records, four students had behavioral assessments and/or present levels of academic achievement and functional performance containing information regarding the impact of student behavior on educational performance. In developing the IEP the team did not acknowledge the student's behavior impeded their learning by developing positive intervention strategies.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All special education staff will receive state training regarding the issue of how to address "student's behavior impedes learning". Data Collection: The district will submit a copy of the training agenda, date of training, presenter(s) and a list of persons attending. Data Collection: Each district attendance center will submit a copy of an IEP for one student with behavior concerns who has received an initial evaluation or reevaluation following the date of the district training.	March 08 and ongoing	district	

3 month Progress Report

6 month Progress Report:

9 month Progress Report:

11. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of 11-3-07)

24:05:27:13.02. Transition services. Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition does not consistently meet the requirements for students age 16 and older. There is not a set of coordinated activities in place for students.

Follow-up: January 22-23, 2008

Finding:

Through a review of student files transition did not consistently have a set of coordinated activities in place for students.

Four students did not have any measurable post secondary goals. Fourteen of the post secondary goals were not measurable. Graduation requirements did not identify classes needed for graduation in 4 files. The PLAAFP statements did not address strengths and needs in transition in four files. Occasionally, transition pages were missing and in seven files a minimum of one activity/service per measurable post secondary goal was not developed by the team.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All high school special education staff will receive state training regarding the development/documentation of transition services. Data Collection: The district will submit a copy of the training agenda, date of training, presenter(s) and a list of persons attending.	April 08	State	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All IEPs written for students of transition age will reflect a coordinated set of activities, student strengths and interests to prepare them for post school activities. Data Collection: Each high school special education teacher will submit a copy of a transition IEP for two students who have had an evaluation and/or IEP developed following the date of the district training.	May 08	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report: